

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-mj-30334

v.

Kyle Hobbs,

Defendant.

**Stipulation and Order to Continue the
Preliminary Examination and Find Excludable Delay**

The parties jointly submit this stipulation and request that the Court order the time period in which an indictment must be returned be continued for just over 30 days and find that the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment. The parties agree that the preliminary hearing date currently scheduled for January 31, 2022, should be adjourned to March 9, 2022.

Ordinarily, an indictment must be returned within thirty days from the date on which a defendant is arrested on a complaint. 18 U.S.C. § 3161(b). That period may be continued by the Court, however, and under some circumstances the resulting period of delay may be found to be excludable delay for purposes of the

30-day clock of § 3161(b). 18 U.S.C. § 3161(h)(7)(A). The parties jointly request that the Court continue the period in which an indictment must be returned by 30 days, because the parties need more time to meet and confer regarding the charges. Specifically, the government intends to offer pre-indictment discovery to the defense. The defense will need to evaluate that discovery and then the parties plan to meet and confer about a potential resolution of the case, including reviewing evidence, calculating the guidelines range under the United States Sentencing Guidelines, and discussing terms of supervised release. Failure to grant a continuance would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Notably, some of the discovery in this case must be reviewed at a secure government facility, further justifying the delay sought here.

The parties further stipulate and request that the Court find that, in light of the factors set forth in § 3161(h)(7)(B), the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment, and that such time should therefore be excluded from the time within

which an indictment must be filed. *See* 18 U.S.C. § 3161(h)(7)(A) (allowing for periods of excludable delay).

IT IS SO STIPULATED.

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s/Kevin M. Mulcahy

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Date: January 28, 2022

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 21-mj-30334

v.

Kyle Hobbs,

Defendant.

**Order Continuing the
Preliminary Hearing Date and Finding Excludable Delay**

The Court has considered the parties' stipulation and joint motion to continue the preliminary examination by just over 30 days, and hereby grants that request. For the reasons described in the parties' stipulation, which the Court adopts as its own, the Court specifically finds that failure to grant a continuance would likely make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

Accordingly, the Court finds, after considering the factors set forth in 18 U.S.C. § 3161(h)(7)(B), that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial and that this continuance qualifies as excludable delay under 18 U.S.C. § 3161(h)(7)(A).

IT IS THEREFORE ORDERED that the preliminary examination currently set for January 31, 2022, be adjourned to March 9, 2022, and that the time period be excluded under 18 U.S.C. § 3161(b).

IT IS SO ORDERED.

s/Elizabeth A. Stafford
Hon. Elizabeth A. Stafford
United States Magistrate Judge

Entered: January 28, 2022